



Abandoned Storage Tanks: Returning to In-Use or Temporarily-Out-Of-Service

BUREAU OF WEIGHTS & MEASURES

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RESOURCES

Wis. Admin. Code ATCP 93:

http://docs.legis.wisconsin.gov/code/admin_code/atcp/090/93

Storage Tanks Website:

https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanks.aspx

Form TR-WM-129

https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanksForms.aspx

Form TR-WM-139

https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanksForms.aspx

Wisconsin Administrative Code [ATCP 93](#) defines “abandoned tank” as an aboveground or underground tank, with or without product, which does not meet the requirements of in-use, temporarily out-of-service or closed.

Tanks that are abandoned with or without product must be permanently closed within 60 days of being abandoned per [Wis. Admin. Code ATCP § 93.560\(5\)](#).

To bring an abandoned tank system back to in-use or temporarily-out-of-service, a variance from the permanent closure requirements of Wis. Admin. Code ATCP § 93.560(5) must be requested from the department. A variance must be requested using the Petition for Variance form [TR-WM-129](#).

In order to obtain a variance from the law, it must be proven that the tank system meets the required standards for operation. A complete petition for variance submission must include all of the following items:

- A Petition for Variance Form TR-WM-129 and the required fee.
- Application(s) for permit(s) to operate that include proof of financial responsibility. Permit applications for the facility can be obtained by contacting our permitting department at (608)224-4942, option 3.
- An assessment of the integrity of the tank system that includes an internal inspection and certification by the manufacturer, or a qualified professional engineer, that the tank system is suitable for continued service.
 - For steel tanks, an evaluation of the remaining tank metal thickness must be performed.
 - Tanks that have an overall average tank metal thickness or an average tank thickness of a designated thin wall area of less than 75% or any through-wall perforations shall be immediately closed per Wis. Admin. Code § ATCP 93.560.
 - Tanks that have an overall average tank metal thickness or an average tank thickness of a designated thin wall area of 75% to 85% shall have an impressed current system installed per [Wis. Admin. Code § ATCP 93.520](#) or be immediately closed per Wis. Admin. Code § ATCP 93.560.
- Proof that cathodically protected tanks meet the requirements of Wis. Admin. Code § ATCP 93.520.
- Precision testing of the entire tank system conducted **without product** and performed per [Wis. Admin. Code § ATCP 93.515\(4\)](#) by a certified Tank System Tightness Tester.

Upon approval of the above items, fuel may be introduced into the system. The following items are then required to complete the variance process:

- Completion of underground tank system functionality verification per [Wis. Admin. Code § ATCP 93.510\(2\)](#). [TR-WM-139](#) must be submitted to the department with proof any deficiencies found have been corrected.
- The tank system must fully comply with Wis. Admin. Code ATCP 93 before being placed back into service, except double-wall construction is not newly required for tank systems installed before February 1, 2009.
- Tank system must pass a department storage tank system inspection conducted in accordance with Wis. Admin. Code ATCP 93.

Questions? Please contact us at (608)224-4942, option 4 or email datcpweightsandmeasures@wi.gov.